A FRIGHTFUL RECORD.

Double Murder and Suicide on Long Island.

The Assassinations in the Metro-

polis Last Week. Mentification of One of the Spanish Soldiers as

One of the Water Street Assassins.

IMPORTANT PRESENTMENT OF THE GRAND JURY

James Rodgers, the Tenth Avenue Murderer, Sentenced to be Hanged.

Arraignment of the Alleged Greenwich Street Murderers.

THE CANAL STREET TRAGEDY

John Morency Committed by the Coroner's Jury as the Murderer.

THE WILLIAM STREET INQUEST.

MORE GARROTERS ABOUT.

&c., APPALLING TRAGEDY AT PORT JEFFERSON

LONG ISLAND. TWO PERSONS INSTANTLY MURDERED—A THIRD AL-MOST KILLED—SUICIDE OF THE MURDERER.

We are indebted to Mr. J. G. Wilbert, mail agent of the Long Island railroad, and one or two others, for the following narrative of one of the most appalling tragedies that as occured within our recollection

About half-past seven o'clock yesterday morning, whil Mrs. Waters, of Port Jefferson, was at breakfast, in com pany with her son-in-law, Mr. Sturdevant, and his wife, who also resided in Port Jefferson, Mr. Waters, her hus band, who had been out of the house for some time previous, suddenly entered the room with an iron bar in his hand, and without speaking a word, struck either his own wife or Mr. Sturdevant with the formidable weapon which he carried with him, a violent, and it is suppose fatal blow on the head. The only person in the hous besides the party at breakfast was a boy of about ter years old. After the blow had been delivered terrible shricking succeeded for a moment or two, during which the boy, who had concealed himself up stairs, heard dis linetly two or three other blows falling in quick success sion. Then the shricking proceeded only from one voice, and "murder," "murder" was loudly shouted. Two or three additional blows were again quickly delivered, and then there was no noise, except a footstep apparently leaving the scene of the tragedy and proceeding up stairs The boy now concealed himself closely under a bedstead while the foetsteps, after reaching to the top of the stairs, tarned into another room from that in which the boy wa concealed. The lad, perhaps suspecting that Mr. Waters wanted to kill or beat him, ran down stairs as fast as he could, and was rapidly followed by Waters, who had the corrible weapon in his hand with which he had perpetrated the frightful series of crimes. The lad, however, escaped by outrunning his pursuer, and then spread the whereupon a number of villagers in the neighbor good of the house proceeded to the spot.

tacle was presented : Mrs. Sturdevant lay in a stat ensibility on the ground. Her head and face were covered with blood, and she had received a heavy stroke from an iron bar, on the head, which would, of itself des this, she was beaten by the same weapon in othe parts of the body, and had two smaller wounds in the d. From this it would appear that a struggle had taken place between her and Waters before he was able to victim she endeavored to escape by running out of the bouse and raising the cries of murder that was over heard by the boy; the fiend might then have followed blows at her head which caused her her on their arrival at the house. The lighter blows and those about the body were probably inflicted first while perhaps she defended herself, and prevented, by her efever this may be is as yet only a matter of conjecture, for os far as the knowledge of our informants go there was no ald permit were at once done for Mrs. Sturdevant, and the neighbors proceeded to make further discoveries. The next discovery was the dreadful implement by mean of which Waters had effected the death of two individuals and with which he had evidently, and all but successful which is adjacent to the dwelling house. The bar of iro le described as being square, about an inch and a quarte diagonally from angle to angle, and about three and a ha feet in length. When found it was recking with human blood. Some of the villagers entered the barn, but the greater number went into the dwelling, and in both places, especially the latter, a horrifying scene was preented to the view.

SCENE IN THE DWELLING HOUSE.

On entering the house evidences of the awful crime of which it had so lately been the scene were scattered all round, in the form of blood on the walls, floor, &c. These What a scene was there! Two human beings, who, a few moments before had been in the enjoyment of perfec bealth, and engaged in perhaps pleasant conversation while they partook of the breakfast laid before them, new lay dead, their heads battered in a frightful manner, spectacle that can be imagined. There were the break-fast things which a few moments before were to all ap-pearance to be partaken of by the unsuspecting party be-fore whem they were placed, now and corpses, and scattered throughout the room in all di-It was evident to all those who witnessed what before them that instant death must have been the Waters and Mr. Sturdevant in the manner we have

In the barn, suspended from a joist, by the neck, were cause of all the calamity. He was quite dead, and his body, as it was suspended, with the muscles of the face distorted, and all the other appearances the result of strangulation, rendered the corpse a sight terrible to the quiet villagers of Port Jefferson. There was no motion in the limbs; no spirit of evil to prompt to violence now reigned within him; the arms that had so lately been engaged in the perpetration of crimes upon which we cannot that guided them in the perpetration of those crimes. were now incapable either of thought, action or feeling. Of course it was evident who the murderer was, and was also clear that he had terminated his miserable exis-

NAMES OF THE PARTIES CONCERNED IN THE TRAGEDY

WHAT WE KNOW CONCERNING THEM. Up to the time our informants left Port Jefferson, which we presume it will be remembered is fifty miles from Brooklyn, in Suffolk county, Long Island, nothing further had transpired to their knowledge in relation to this me lancholy affair. We now proceed to give what we are in powersion of concerning the parties who were in the a barbarous manner. Mrs. Waters was formerly married to the late Mr. Darling, ship builder in Port Jefferson. She had been about two years married to Waters before the murder occurred, during which time they lived together to all appearance in the most affectionate manner. Mrs. Waters was about fifty years old, and Waters, about whom we have not as yet been able to learn much, appeared to be about five years younger. Mr. Sturdevant's occupason we have not been able to learn, but he was about thirty years old, while his wife, who was the daughter of . Waters by her former husband, was little re than twenty and a lady like person in every respect

The boy that was up stairs, and who had such a narrow chance for his life, was also a child of Mrs. Waters by her former husband, and he is a smart, intelligent young lad of ten years old, as his well planned and fortun

CAUSE OF THE TRAGEDY.

The cause of this awful affair is a perfect mystery to all with whom we have conversed online subject. They allege, however, that Mrs. Waters was very much attach to her daughter and her husband, and that she possess a good deal of property since the death of her first hus-band. She was very liberal with her daughter, and it is he was not the chief object of her cares and affect reflecting upon this, or perhaps fearing that she migh

supposed that her husband, noticing many material proof he came to the maniacal conclusion of avenging himself i dered his wife, his friend and himself, and attempted al most successfully in one instance, to destroy the lives o It is plain from the facts which we have related, that Waters, whether acting upon premeditation or not, enter ed the breakfast room while his three victims were par

taking of their morning's meal, with an iron bar in his hand; that he probably commenced an assault first on Mr. Sturdevant by striking him on the head with the deadly weapon in his hand, and that after despatching him, he attempted the lives of the other two. His wife was proba bly the second person upon whom the terrible weapon descended, and before he had finished her to his satisfaction, it would appear as if Mrs. Sturdevant, who, being a young and active woman and doubtless possessed of considerable nerve, had deter mined either to endeavor to effect her own escape, which is the probability, or it is possible that she might have made an effort to save the life of the second victim by an interposition of her own efforts. That one or the other, or perhaps both of these were attempted, the fact of her lying outside the house, in the state in which she was found, leaves no room to doubt; and it is also probable that the severe wound in her head was the last blow in flicted on her. This Waters, if he was capable of think ing anything at that moment, supposed, probably that he had rendered her incapable of living, and left her where she was found by the villagers, unable to throw any light upon the subject, and what is of more importance, in a state that is almost void of hope. The lighter blows seem to have been those in flicted by Waters while the lady was struggling with him and the final and most dangerous appears to have had the effect of terminating the unequal and brutal struggle by felling Mrs. Sturdevant where she lay.

The boy, who was up stairs, almost miraculously es caped, and the tragedy was brought to a terrible conclu sion by the suicide of Waters himself, in his barn. When Mrs. Sturdevant recovers, as we sincerely hope she will everything connected with the affair will be brought to light, and in the meantime we will endeavor to learn wha else we can about the melancholy matter.

PRESENTMENT OF THE GRAND JURY RELATIVE TO THE INCREASEOF CRIME IN NEW YORK—SENTENCE OF DEATH PRONOUNCED UPON JAMES RODGERS FOR THE MURDER OF JOHN SWANSTON-JOHN B. HOLMES SEN TENCED TO PIPTEEN YEARS IMPRISONMENT IN THE STATE PRISON—OTHER SENTENCES—THE ALLEGED PERPETRATORS OF THE GREENWICH STREET TRA GEDY ARRAIGNED AND PLEADED NOT GUILTY—

COURT OF GENERAL SESSIONS.

Before Judge Russell. The November term of the General Sessions, during which our efficient City Judge transacted a large amoun of business, often sitting to a late hour in the evening to carry out an inflexible rule made by him, namely-to exhaust each day's calendar before adjourning—was brought to a close at noon yesterday. His Honor reserved the sentencing of a number of prisoners, who were convicted of grave offences during themonth, till this day, the more noted of whom were James Rodgers and John B. Holmes. At an early hour in the morning crowds of our citizens could be seen wending their way to the court room, anxious to witness the solemn proceedings, and as soon as the doors were thrown open the curious multitude eagerly sought admittance, elbowing and crushing each other as if their very existence depended upon obtaining and the toes of their brethren. Soon after 10 o'clock, an hour before the opening of the Court for business, th room was crowded to excess, and the seats within the bar allotted to members of the legal profession were called to secure seats. In order to avoid undue excitement, the officers attached to the Court of Sessions took the precaution by escorting the prisoners from the Tombs at an early hour in the morning and lodged them securely in the place alletted to them. Promptly at the hour Judge Russell took his seat upon the bench and ordered Mr. Walsh to open the Court. His Henor was soon joined by Mr. Barnard—the Recorder elect—who presided with much dignity, giving evidence by his demeanor that he will fulfil the high expectations of our citizens who have called him to the high office of criminal judge. The Sheriff—James C. Willett, Eq.—was also present to perform his part of the mournful drama which was about to be enacted, and occupied a seat by the prosecuting officer.

The Grand Jury then made their appearance, and through their foreman, presented a number of indictments, together with the subjoined presentment, to the Court. At his Honor's request Henry Vandervoort, Eq., the clerk, read it. The recitation of the document was listened to with great attention by the large audience, and is as

PRESENTMENT OF THE GRAND JURY RELATIVE TO THE

TUTIONS, ETC.

The Grand Jury having finished the business submitted to their charge, would respectfully report to the Court:—
That there is in this city at the present time an alarming increase of crime, which demands at the hands of those in authority a most prompt and decisive action.

The unusual number of causes on the calendar presented to us show that a large majority of them are committed by the youth of our city from 15 to 20 years of age—some of which are the most agravating. In conversation with some of them they show a perfect indifference to their fate, having been schooled in, and graduated from, houses that are a diagrace to our city—some of which we have presented to the Court.

We are pleased to witness that the ends of justice have been furthered by the prompt action of the Court and Petit Jury in all and every case presented by us. In reading our daily papers of the midnight and daily assassinations, nurders, highway robberies, burglaries, &c., it behooves this Grand Jury and others to call upon our city authorities and Police Commissioners to increase their force immediately, with good and true men, for the protection of the lives and homes of our citizens.

The habit of carrying concealed weapons about the person, such as pistols, slung shots, dirks, &c., is a crying evil in our community, to which special attention is called. Of a large number of cases before us, we have seen the youth and aged, crippied and maimed for life, by this unlawful and unwarrantable practice, which calls for our severest condemnation.

Having a large number of prison witnesses before us, the Grand Jury thought proper to visit and inspect our city prison, and have most cheerfully awarded to the matron (Mrs. Foster) the credit of providing clean and comfortable apartiments for them, and attending to their wants in a most satisfactory manner.

The prison, under charge of Mr. Gray, the keeper, is in a healthy and proper condition—the prisoners appear to have all necessary attention—and sortic our entire approbation.

we must also state that the Police Commissioners are

We must also state that the Police Commissioners are attending to the complaint of a former Grand Jury in regard to prison witnesses, by having the building formerly occupied by them in White and Franklin streets fitted up for their especial comfort and protection, thereby removing the stigma of "prison witnesses."

In visiting the institutions on the different islands, we find every department under the clarge of the Board of Ten Governors in a bealthy and flourishing condition, and meriting at our hands this passing notice.

The institution for "the reformation of Juvenile and institution for "the reformation of Juvenile delinquents." There are at present some 600 maies and females, most of whom are working at trades; some four of the hours of the day are devoted to the teaching of them, under proper and efficient teachers.

The New York Juvenile Asylum, situated at 175th street, in our city, and similar institutions, are deserving of notice. They are institutions for the prevention of crime, by taking the yeuth in their infancy, and teaching them the path of duty, and giving them trades and occupations they otherwise would fail to receive. Within the past week over 100 have been sent Weet, under the guidance of a proper overseer, to useful and proper employment; and we would call upon our Folice Justices to consider the homeless and friendiess children, and those accused of small and petty crimes, to remember these institutions, and the public generally to interest themselves and visit them.

The Penitentiary at Blackwell's Island at the present

and the public generally to interest themselves and visit them.

The Penicutiary at Blackwell's Island at the present time is crowded with inmates, a part of the female department being aliested to the males, and unless a stop is put to crime in our city, the prison must be enlerged in order to provide for their necessities.

The workhouse on the island, cetablished in 1948, is worthly ef mention. Here all the articles of wearing apparel are made for the convicts on the island. The rooms are spacious and comfortable, and all those sent to the Almshouse are provided with some trade that is useful to them and a profit to the city, and fully realizes the expectations of its originators.

CLARKSON CROLIUS, Foreman.

was commenced.

Counsel for John B. Holmes, who was convicted of forgery in the first degree, was about making a motion for the postponement of his sentence when it was suggested that he should reserve it until a later hour, in order that Rodgers might be disposed of first.

SENTENCE OF JAMES RODGERS FOR MURDER. The Assistant District Attorney rose amid profound si-lence, and said—In the absence of Mr. Hall, the District Attorney, I move for the judgment of the Court on a ver-dict of guilty pronounced against James Rodgers for the murder of John Swanston.

So intense was the excitement exhibited by the multitude at this moment that it was with great effort the efficers could obtain silence. When Mr. Byrsdall was in efficers could obtain silence. When Mr. Byrsdall was in structed by the Clerk to arraign the prisoner, all eye were turned to the dock to catch a glimpse of the unfortunate youth, who will soon be offered up a victim to violated law. He was promptly placed at the bar, and his countenance was closely scrutinized by every individual. Rodgers was clad in the apparel which he were during his trial, and looked much better than his comrades, McGibney and Cunningham, (who, it will be remembered, were witnesses against him.) who were present; for the convict wore a clean shirt, while his associates lacked that necessary adjunct to cleanliness. Rodgers' appearance did not betray great mental suffering, and the casual observer of his countenance would fail to perceive any change from a kind of inanimate, insensible expression which characterized his features heretofore, to a feeling of intense emotion befitting the solemnity of his position in view of the awful doom which awaited him, and which the minister of the law was about to pronounce. Not withstanding this, he realized in some degree his situation. The Clerk addressed him in these words:—James Rodgers, you may remember that you have heretofore been indicted for a certain murder and felony by you done and committed. Upon that indictment you were arraigned; upon your arraignment you pleaded not guilty, and put yourself upon the country for trial—which country has found you guilty. What have you now to say why judgment of death should not be pronounced against you according to law?

RODGERS' REMARKS

cording to law?

RODGERS' REMARKS

Rodgers hung down his head demurely, and a breath less silence pervaded the room to hear what the con demmed youth had to say in extenuation of the offence which he will have to explate by his own life. He said:—"I don't believe I done it. I don't know whether I did i or not, for I was drunk."

"I don't believe I done it. I don't know whether I did it or not, for I was drunk."

ADDRESS OF JUDGE RUSSELL TO THE PRISONEE.

James Rodrers, you were indicted for the murder of John Swanston, to which, on your arraignment, you pleaded not guilty. You were defended by eminent and able counsel, who did everything for you that could be pessibly effected; but the evidence was so positive and clear as not to admit of a doubt of your guilt, and the Jury, therefore, very properly chavicted you. You have, therefore, forfeited your life to the violated laws of your country, and the mest painful part of my duty is to pronounce that sentence which the law has ordained for a crime of this magnitude. The sentence of the Court is that you be taken to the place from whence you came (the city prison) and there incarcerated, and on the 15th of January you be hanged by the neck till you are dead. And may God have mercy on your soul. Amen!

The voice of the learned Judge was tremulous with the emotions which must have filled his breast in sentencing a fellow being to death, no doubt remembering the aolemnity of the coming day when we shall all be arraigned before the Great Judge, of which those proceedings were but a faint emblem.

The Clerk then handed the death warrant to his Honor, who, after appending to it his signature, placed it in the hands of the Sheriff for execution, of which this is a copy:—

copy:—

WARRANT OF EXECUTION.

The People of the State of New York to the Sheriff of the City and County of New York, greeting:—Whereas, at a court of General Sessions of the Peace held in and for the city and county of New York, at the City Hall of the said city, on Friday, the thirteenth day of November, in the year of our Lord one thousand eight hundred and thy seven, James Rodgers was in due form of law convicted of the murder of John Swanston.

And whereas, on Saturday, the twenty-first day of November, in the year aforesaid, at the said Court of General Sessions of the Peace, held in and for the said city and county, at the City Hall of the said Lity, judgment was given in the said court that the said James Rodgers, for the said murder and felony, be hanged by the neck until he be dead.

the said murder and felony, be hanged by the neck until he be dead.

And whereas, on the said last mentioned day, the said James Rodgers was sentenced to be taken to the city prison of the city of New York, from whence he came, and on Friday, the fifteenth day of January next ensuing, be hanged by the neck until he be dead—

Now, therefore, you, the said Sheriff, are required, and by these presents strictly commanded, to cause execution to be done upon the said James Rodgers according to law; and the said Court hath appointed, and doth hereby appoint, Friday, the fifteenth day of January next, the day on which the said sentence shall be executed.

In witness whereof, I, Abraham D. Russell, City Judge of the city of New York, Justice of the said Court, and who constitute the said Court, and the presiding Judge thereof, have hereunte subscribed my name this twenty-first day of November, in the year of our Lord one thousand eight hundred and fifty-seven.

A. D. RUSSELL, City Judge.

Attest—Henry Vanderwoort, Clerk.

While sentence was being pronounced, Rodgers did not

While sentence was being pronounced, Rodgers did not manifest his feelings vocally, but his heart was seen to beat with intensity, and he was heard to sigh and bly at intervals. Mr. Willett took him in charge, and he and officer Byrsdall conveyed him to the Tombs, followed by a large crowd. Neither the aged mother nor the two sisters of the criminal, who were present at his trial, were in attendance. Judging from the intensity of their

were in attendance. Judging from the intensity of their anguish at the rendition of the verdict, the scene would have been too much for them to have witnessed, and it is highly probable they were prevented from attending by prudent advisers. It seems that his younger sister realizes the position in which her brother has placed himself by heeding the advice of more hardened companions and imbibing the maddening bowl, which the world's great bard has very properly denominated "devil," more than any other member of the family, for she has visited him frequently in prison since his conviction, and her grief was uncentrollable. SENTENCE OF JOHN B. HOLMES FOR PORGERY.

Jonas B. Phillips, counsel for John B. Holmes, said tha e had prepared a bill of exceptions, but was so much occupied in other matters since the conviction of his client that he had not time to serve it upon the District the benefit of those exceptions. He asked his Hogor to defer sentencing him till the first day of the next term, in order to afford him an opportunity of settling the bill.

The Assistant District Attornoy remarked tha The Assestant District Auornoy remarked that the merits of the motion rested upon the fact whether or not in his Honor's opinion the bill of exceptions could contain anything from which by any possibality an advantage might arise to the defendant. There were no such exceptions taken, and therefore no benefit could accrue to the defendant by postponing the matter, for no Judge of the Supreme Court under the circumstances would grant a stay of proceedings. He respectfully urged that the duty of the presecution twards the public was to insist upon the pronouncing of independs at once.

cution twards the public was to insist upon the pronouncing of judgment at once.

Mr. Phillips in reply said that he did not suppose his Honor would grant the motion, but there were new questions of law involved, which should receive the solemn ajudication of a higher Court. Another reason he offered for the postponement of Mr. Holmes' sentence was that Mr. Clinton had only been associated with him that morning to examine the questions of law in the case. Counsel affirmed that no injustice could be done to the public in granting his motion, for the defendant was in close custody.

Mr. Clinton addressed the Court at considerable length in support of the motion to postpone sentence, stating

castedy.

Mr. Ginton addressed the Court at considerable length in support of the motion to postpone sentence, stating that he desired to have the matter passed upon by an appellate Court. The decision in the case of Thompson, who had actually hundergone a year's incarceration, was an illustration of the principle for which he contended, but who was granted a new trial by the higher Court. Mr. C. stated that the case of Huntington was another striking exemplification of his views of the law and the servectness of his position, and Huntington's counsel could at any moment obtain a new trial.

Judge Russell said—The only exception taken on the trial was on the construction of a statute. If to my mind there was doubt as to the construction which I gave to it, If would defer the sentence, but the case is so plain that I could not, consistently with my duty, consent to defer this matter. This being the last day of the term, and as it is probable that I shall not be on the benche till January. I think it my duty to impose the sentence which the law compels me to inflict on the present occasion.

Mr. Phillips offered the subjoined points on his motion of arrest of judgment—

1. The indictment is defective, because it contains no averment that the defendant had any right, title or interest in the property purported to be conveyed by the alleged to have been forged was ever delivered. A doed only takes effect from delivery, and such an averment is essential to the validity of the indictment.

3. That the forging of a wife's name by her husband conveying hie own property and not her separate estate, is not a forgery within the meaning of the statute.

4. The first count in the indictment describes no offence in law.

n iaw.

Counsel submitted these points and asked to have them placed on the record.

The City Judge overruled the objections and denied the

John B. Holmes, who was unexceptionably dressed, and looking "as fresh as a daisy," was then arraigned and asked the usual question. He said he was an engineer by profession. To the question "What have you now to say why judgment should not be pronounced against you?" he coolly replied, "I had nt a fair trial; that is all I have to say."

he coolly replied, "I had'nt a fair trial; that is all I have to say."
Judge Russell thus addressed him:—Holmes, you were indicted and convicted of forgery in the first degree. I regret to say that it is not the first time you have been brought before the criminal courts. You are a man of notoriously bad character. There are few men in the community who would speak well of you. This, in connection with your treatment of your wife and Miss Fuck, in first seducing and then abandoning the latter. (Holmes interrupting—"That is not so") entitles you to no sympathy from the Court. The sentence of the Court is that you be sent to the State prison, and there confined at hard labor for fifteen years and six months.

Holmes did not make any observation, but left the bar with as light a step as he approached it. The sentence of

GRAND LARCENY. Thomas Murphy, a youth, who pleaded guilty to an attempt at grand larceny some time since, was brought up.
As there were mitigating circumstances attending his offence, as those remanded him, to give an ather an opportunity to procure his enlistment in the army; but the father, who was present, under the impression that he could not do so unless he was accompanied by his erring son, had neglected to avail himself of the Judge's leniency. His Honer said he would give him another chance; but told him if he was not expeditious in getting him off he would send his son to the penitentiary.

MANSLAUGHTER. resterday of manslaughter in the fourth degree, in caus ng the death of James McDermott, on the 20th of October was the next offender that was brought before the Court

One of the City Fathers, whose youthful appearance suggested the misapplication of the title, subimitted a petition of a number of the residents of the ward in which Kiernan resided, setting forth that he as a peaceable and undifinding stitless are sufficiently as the subject of the state of the supplies that the subject is the subject of the subjec

nan resided, setting forth that he as a peaceable and unoffending citizen.

The Cky Judge, in passing sentence, said:—Kiernan, you were indicted for manslaughter, and were convicted of the fourth degree of that offence. You deprived a fellow being of life. You, as well as the deceased, were laboring under a state of intoxication when the act was committed. He extricated himself from you and was going away, when you followed him and struck him with a cart rung, which blow caused his death. I could send you to the State prison for two years on this charge, but I have taken your good character into consideration, which has the effect of diminishing your sentence. Learning that you have a family induces me to be less severe with you than the magnitude of the offence requires. I will send you to the penitentiary for one year.

The andience were then gratified by seeing the alleged assassinators of Teresa Spitzlen, who was murdered under Clerk ordered Maurice O'Connell, James Toole, William Hagan and Daniel Pembroke alias "Sailor Dan," four Hagan and Daniel Pembroke alias "Sailor Dan," four youths who have been justly denominated "Dead Rabits," to be placed at the bar. On informing them that the Grand Jury had indicted them for the murder of Teresa Spitzlen on the 5th of November, and asking them if they demanded a trial on that charge, they severally answered that they were not guilty of the crime. Mr. T. Hurley said he was counsel for Toole, and would demand a separate trial, which right was willingly acceded to him. Mr. Sedgwick fixed the first Tuesday of the December term for their trial and gave them notice to be ready on that day. He also desired them to be committed without bail.

Counsel for James McAlpine, alias the above formidable title, whose history was given by our criminal court reportera few months since, applied for his discharge, on the porter a few months since, applied for his discharge, on the ground that he has been in prison six months, during which time the prosecution failed to try him for an attempt to obtain goods under false pretences. He was tried on a charge of subornation of perjury, upon which he was acquitted, and remanded for trial upon another indictment which was in existence. The Assistant District Attorney opposed the motion, remarking that the records of the Court, as well as his Honor's memory, would show the career of McAlpine. On his former trial counsel secured his acquittal by subtlely infusing fear into the mind of a timid female, who was the principal witness for the prosecution. In consequence of pressing business, Mr. Sedgwick was unable to try the case the present term, but promised to bring it on in December. The Judge denied the motion, adding, that if the defendant was not tried at the end of the next term, counsel could renew his application.

GRAND LARCNY.

Hans Martens, apparently a respectable man indicted

Hans Martens, apparently a respectable man. indicted for stealing a silver watch, in consequence of his previou

A youth named Bernard McGafney, indicted for larceny, was discharged at the request of the prosecuting officer, he remarking that he would rather have the indictment hanging over him than to run the risk of his acquittal, and further stating that if McGafney did not take care he would come to the same end as the unfortunate Rodgers.

THE COMPANIONS OF RODGERS DISCHARGED. ing been in company with Rodgers on the night of the night make some disposition of them.

He addressed them in these worls:-You have narrowly

He addressed them in these worls:—You have narrowly escaped being placed in the unfortunate position of your comrade, Rodgers, who, by indulging too freely in liquor and keeping bad company, has come to an untimely end. Let his fate be a warning to you, because if you are brought before this court charged with any crime, you will be dealt with very severely. Take warning by Rodgers, and endeavor to be sober. You can go.

The boys hastily left the court; and on being informed that there was no more business before him, the Judge vacated the bench, and the court adjourned size die.

When the court room doors were closed hundreds of young men remained on the stair case, desirous of seeing Holmes, among whom was his old grandmother, nearly four score years, who, when beholding him securely ironed, burst into tens and affectionately embraced him, as did another female. The officers and prisoners were followed to the Tombs by a large concourse of persons, and it was intimated that Holmes's friends would try to effect his escape, but the officers quickened their pace and serviced in safety with their charge.

The Fourth ward police made three more arrests among the Spanish soldiers in Brooklyn night before last, on sus picion of being parties to the fearful murder committed a but two of them were subsequently released from custody as the occupants of the house did not recognise them a ever having been there. But one of them, named Francis Vardel, they immediately identified as a companion of the

the neighborhood of Peck slip, when he observed this Vardel pass him, and at once recognized him as one of the Spaniards who used to frequent his house. He followed him along to Fulton market, where Vardel stopped to have something to cat. When he got through he walked back towards Peck slip, and up to Front street and Roosevelt street, Mr. Driscoll keeping on his track all the way. In Roosevelt street he met two officers, to whom he gave the prisoner in charge. When taken to the station house he admitted that he had been in Water street on the night of the murder, in company with two others, and said if the police would go with him to Brooklyn he would point them out. This they acceded to, and they arrested two men whom he pointed out; but when brought to the station house they positively denied having been in New York at all that night; and Vardel then admitted that he had selected the wrong men; but again offered to go over to Brooklyn and pick out the right ones. This, of course, Capt. Walling refused to do, and the two men were accordingly discharged, as above stated. Vardel was identified yesterday evening by the bailor, Arnold James, when confronted with him before the Coroner, as the man who stabbed him and deceased, Andrew McManus. The Coroner then made out his commitment, and locked him up. It is remarkable that neither Driscoll nor the girls recognise him as the man engaged in the stabbing. They all tell the same story, namely: that he is one of a party of Spaniards who frequented the house, but he is not one of the assassins.

Vardel was examined as a witness yesterday, and gave a mest contradictory and confused account of himself. He was flatly contradicted, as to his whereabouts on Wednesday in the properties of the stable of the was fairly contradicted, as to his whereabouts on Wednesday in the properties of the stable of the stable of the stable of the stable of the was an arine in the Spanish service, and is one of those who came here from Havana in the Emilia.

THE INQUEST.

Coroner Contexty resumed the investments on the state of the investments of the state of the investments of the contradicted of the investments of the of these was marine in the Spanish service, and is one of those who came here from Havana in the Emilia. admitted that he had been in Water street on the night of

when the light strikes the Spanish service, and those who came here from Havana in the Emilia.

THE INQUEST.

Coroner Connery resumed the investigation yesterday at three o'clock, on the body of Andrew McManus.

Francis Vordel, the prisoner, (a Spaniard) sworn and examined through an interpreter—I live in Brooklyn, don't know in what street; I am a marine in the Spanish service, and was on board a war steamer called San Jisavelle; I came from Havana to New York in the bark Emilia; I did not hear of the murder in Water street; I was in company with some men on that night, name! Genzales, Garcio and another whose name I do no know; I was not in the house 377 Water street either of Wednesday night or Thursday morning. [The landlad of the house 377 Water street was produced and witnes said he did not know her, as his sight was bad.] Q. Di you defer to buy this ring—pointing to a ring on the w man's finger—for \$20, or say "me no pay \$20". A. N Inever saw her in my life. Q. Did you hear any convisuation about this murder, or do you know anybody the know anything about it? A. Never before I came hi last night; I don't know a man named Joseph White one of the name of Compolo: I was not in Water street on the night of the murder except about half past se or eight o'clock, whon I passed through it; I was no any house there that night; I was not in this wome (Mrs. White's) house, No. 377, with a man with a cas one eye; after leaving Water street I turned in with a call and about half-past eleven o'clock. in a street sire and slept with her all I

house in the morning, and they said that the dead man looked like the one that was dancing in our house the night before he was killed and the night he was killed; they said he was killed and the night he was killed; they said he was killed and the night he was killed; they said he was killed and the right he was killed; they said not; I saw the dead man at the station house, and recognized him at once; he had a difficulty in my house the night of the murder with some Portuguese; it was between seven and eight o'dock; three of them and last witness came in just as the dance was beginning; I asked last witness if they were going to have a dance, and he said, "Me no money;" he said, "How much you want for that ring?" I said, twenty dollars; he said, "Me no twenty dollars; he said, "How much you want for that ring?" I said, twenty dollars; he said, "Me no to in." I then shoved him and told him to go out; he said, "You no good;" the four then left, and in about an hour three came back, but Vardel was not one of them; they came in and sai down for fifteen minutes; they made paper segars and came over to the bar to light them and took some drink; deceased was then standing at my door talking to a tall man who looked like a canal man; one of the Portuguese snapped a handkerchief out of one of the girls hands and ran out the door; in passing he struck against the foot of deceased, who said, "d—n your heart;" he then returned and said to his companions, "vamose!" the whole three then left the place and stood outside the door; deceased had gone before them; but he returned about halfpast eleven quite drunk; I asked him to stay that night, but be said he had no money; I told him he might sleep on the sofa with the bar-tender, but he refused; he left at a quarter to twelve, but again returned, and then the girls coaxed him to stay; but he said he must go to the fandango to meet his brother in law; he only staid the last time till half past twelve; none of the parties returned about halfpast sleeve; and the said he had no m

Coroner.—You recognise this man as the one who did not go up stairs? A. I do, sir.
Coroner.—Do you recognise him as the man who followed you with a knife and stabbed you? A. I do, sir.
Q. Don't you think this is the man who gave the wound to the deceased? A. Yes, sir.
Q. And the man who rushed at the landlord, Driscoll, with the knife as he (D.) took up the bottle? A. That is the man. the man.

The prisoner, Vardel, was here asked what time did he leave the girl in the morning, and he answered, at nine

o'clock.
Barbara Whitmore sworn and examined—I live at 82 Barbara Whitmore sworn and examined—I live at 82 Oliver street; I go to the dance house as a business, at Myers' in James street; I know Vardel—[points him out in the crowd]—; he slept with me on Monday night last, at my house; I saw him again on Wednesday night, betwen 0 and 10 o'clock, in Myers' dance house; there were more men with him; two or three of them were tail men; Vardel left the house in a quarter of an hour; I did not go with him; he did not sleep with me that night, nor come into my house at all again during the night; on Monday night he went home with me about 12 o'clock and left about half past eight in the morning; I am positive that was on Monday and not on Wednesday night; I was at the dance on Wednesday night; Vardel was not there that night, but there were a good many other Spaniards there.

Mark Driscoll was then re-called and asked to look Mark Driscoil was then re-called and asked to look round the room and try if he could recognise any one as the man who attempted to stab him and stabbed Mr. James on the night of the murder. He did so, and pointed out the prisoner Vardel as one of the men who had been often in company with the assassins, but he was not one of them.

To the Coroner—He looks a little like the tall man in the face, but he is not him; one of them was dressed similar to the prisoner.

face, but he is not him; the two to the prisoner. Is abella Anderson re-called—I can recognise the two men who were in our dance house on the night of the murder; the prisoner is one of their companions, but he is not the man who did the stabbing; I did not see him for two the man who did the stabbing; I did not see him for two

the man who did the stabbing; I did not see him for two weeks before the murder.

Catherine Wiley was re-called, and answered precisely as the former witness, but admitted that she had seen the prisoner twice since his arrest.

The jury intimating that they wanted no more of that kind of testimony, as it was evident enough that this story had been arranged between the witnesses, the other girls were not re-called.

During the progress of the inquest Mr. McManus, brother of the deceased, came to claim the body, which was delivered to him by the Coroner. The inquest then adjourned to 8 o'clock Tuesday morning.

THE WILLIAM STREET ASSASSINATION. EXPLANATION OF THE PRIVATE WATCHMAN COHEN— ADDITIONAL EVIDENCE THAT THE BOY CERAGOLIO SAID HE COULD RECOGNISE THE PARTIES IN MR. THARINE KERNAN, POLICEMAN LINDSAY.

The Jury assembled, and the inquest was reterday morning at a quarter to ten o'clock.

PRIVATE WATCHMAN COHEN MAKES AN EXPLANATION Private watchman Cohen, while the jury was waiting for the Coroner, appeared before them and asked to make an explanation. The jury objected until the Coroner came. Coroner Connery soon arrived, and swore the wit ness on the Old Testament, his hat remaining on, as he

said he was an Israelite.

Mr. Cohen then proceeded with his explanation as fol

said he was an Israelite.

Mr. Cohen then proceeded with his explanation as follows:—Gentlemen, I have been a private watchman for six or seven years in the vicinity of Chatham and Frankfort streets, and have been fourteen years in this country; I was going from French's Hotel towards William street on my beat; I think it was in the neighborhood of ten o'clock; just as I turned the corner of Bogart's store, which I have the watching of, Mr. John Kenney came walking pretty fast; he had halloed (Follce') before he came down to me; he said, "Mr. Vincent is stabbed—come up as quick as you can;" I will show you my club, which I split in rapping for the police; I went up with him and saw Mr. Vincent jving on the floor, a round table lying upside down, and the appearance of there having been a general fight; I then went out and ranped a considerable time—eight or ten minutes; Mr. Sutton, of the Sixth ward police, came up; I heard a rap on the corner of North William and Chatham streets.

Mr. Sutton—That was my rap as I was coming.

Witness—This gentleman came to my relief after I had rapped a considerable time; I told him there was a minutabled inside, and we went in and tried to raise the body, some said, "raise him on a chair;" we tried to raise him, but it was no use—his head went right down to the floor this way (illustrating); as Mr. Hilton was coming out of the place some of those outside said, "What did you let him go for?" I then went out and arrested him by the oyster stand; he went up through the store and I followed him and took hold of his coat and told him that he had got to come with me; when I got him down in the store, there were some of the folks who said "Dent you go," I would like to catch those folks too; I said "Well, he's got to go," I then went out and arrested him by the oyster stand; he went up through the store and I followed him and took hold of his coat and told him that he had got to come of the folks who said "Dent you go," I would like to catch those folks too; I said "Dent you go," I wo

me at all.

Mr. Hilton wanted to ask the witness about his arrest,

Mr. Hilton wanted to ask the witness about his arrest, but the jury objected.

By the Coroner—Who were the persons who cried out "Why did you let him go?" A. Mr. Kinney and several others, and I said I would go after him.

Several of the jurers here called the witness to account for contradictory statements about the club being split.

By a Juror—Are you acquainted with the persons? A. I have seen them.

Juror—I insist upon an answer—are you acquainted with the prisoners? A. Yes.

Q. Have you had any conversation with the prisoners after the arrest?

OF HAVE YOU THAN THE READ—BE CORROBORATES MR. MONTAG.
Mr. Read was sworn, and testified as follows:—I live at

EVIDENCE OF ISAAC I. READ—BE CORRODORATES NR. MONTAG.
Mr. Read was sworn, and testified as follows:—I live at
Lovejoy's Hotel.

Q. Have you any knowledge of the parties concerned in
the late murder in William street? A. None whatever, to
my knowledge.

Q. Have you had any conversation or did you hear anything said by others regarding the murder? A. Last
Thursday, between the hours of five and six, I was
present in a lager bier salcon in William street;
I don't know the namber; Mr. Montag, who was
a witness yesterday. Was in conversation with a young
man under arrest (Joseph Ceragolic) as near as I can
recollect he stated that he knew he could identify the party
or parties in the celler, at the time they were there in Mr.
Vincent's cellar, if he should see them a hundred years
hence, which was an indication that he was very positive;
would be afraid to identify the man or men, he stated that
he said he was not afraid of any G—d d—n man living,
but he did not wish his evidence or his identification of
a party to be the means of hanging a man; he appeared
to be perfectly sober.

The Coroner—What about the deposition of Mr. Coheo?
A Juror—We are satisfied that he arrested a man and
let him go.

The Coroner said he did not recognise the man as an

officer. It remained for the jury to say what was to be done.

Mr. Cohen said he had authority from the Sheriff to arrest. He was a special deputy. He would go and get his shield which he carried around his diggings to protect him. He expected to be killed some dark night; he had made up his mind to that.

The Jurer said that the jury still believed that, though an officer, the watchman had let the prisoner escape, and the Corner must take his own course.

the Coroner must take his own course.

The Coroner—The jury say, Mr. Cohen, you must give bail. You can speak to them, if you choose. You

will have to give bail.

Mr. Cohen—Yes, sir, I can do that. How much is the bail, Mr. Coroner?

oall, Mr. Coroner?

Coroner Connery—One thousand dollars, sir
Mr. Cohen said, "Very well, sir," and left with the of

Mr. Cohen said, "Very well, sir," and left with the officer to procure bail.

Witness continued.—Mr. Montag or myself said the young man was either a great fool or a great knave to talk the way he did, we thought it strange that he did not want to come up and identify the parties.

Ity a Juror.—I did not hear him say he looked through the shutters; I am positive that this conversation took place on Thursday evening.

IETIMONY OF WILLIAM KORT.—HE CORROBORATHE MR. READ.

Wm. Koet was sworn, and testified as follows.—I live at No. 64 Washington street, Hoboken; I was in the lager bier saloon and heard the conversation alluded to by Mr. Read and Mr. Montag; I have heard Mr. Read's testimony and entirely corroborate his statement; I did not understand the boy to say he saw the whole affair; I thought he said that he was opposite, or alongside the store somewhere.

staid that he was opposite, or alongside the store somewhere.

Mr. Hilton being accorded the privilege of making an explanation, said—In reference to my being arrested I would say that I left the premises after the persons who committed the murder ran away from Mr. Vincent's store, which might have been several minutes after he was murdered, as I was stunned by the blow which was given the one of the store for the first time; they rushed out and left the door open; after I got on the stoop I saw no person near Mr. Vincent's house except Mr. Cohen; he was standing a little below the door, towards Frankfort street; I teld him that the persons who had gone out had knocked Mr. Vincent down; he commenced rapping with his club, and I went in the opposite grocery, to my residence, in the upper part; the blood was streaming on my clothes from the wound m my head, and I went there for the purpose of washing; when I got through, Cohen came in and grasped me by the arms, and said, "Old man you must go with me;" several persons told mo not to go with him, as he had no authority to arrest me; the landlord said I could be found there at my residence at any time; he laid violent hands on me, and tried to force me out; I extricated myself from him and went upstairs; he followed me and there told me the officers at Mr. Vincent's store wished to see me, and I went on was a standard station house; I think Mr. Cohen did not go with me to the Second ward station house; he did not have his hand on me at any time in the street, nor any other officer; after visiting several houses looking for the murderers, we went to the Fourth ward station house; he did not have his hand on me at any time in the street, nor any other officer; after visiting several houses looking for the murderers, we went to the Fourth ward station house, and the captain sent me home under the protection of a policeman, saying that I was not under arrest.

A Juror—Were the window and door shutters of Mr. Vincent's also no one that areas of the second ward station h

A Juror—Were the window and door shutters of Mr. Vincent's place up on that evening?

A. The shutters on that evening were up on the windows and door, but the door was partly open; that is the way he usually fixes them; no one could see into the ahop unless the door was half open; when the parties who committed the murder entered the store, they the door open; the door is a double one it was open about eight inches, the door moving toward the counter; when I first attempted to go out I might not have left the door open, because I did not take hold of it; the door was open when the last person came m; I think it impossible for a person to see the persons sitting at the table from the opposite side of the way; a person should be very near the door to see the parties in the cellar.

By a Juror—Which of the men struck Mr. Vincent? A. In a moment one or more thrust either with the fist or a dagger; one of the two on the right hand side first struck him.

The Coroner—It appears that you sat at the table, and

struck Mr. Vincent.

Witness—It was done so suddenly that I could not tell;
I was off from the table after I drank; the two persons at
Mr. Vincent's right side were opposite to me; I can't be
positive who gave the first blow, this prisoner sat at the
right of Mr. Vincent, and next to him, (pointing to De
Lorenzo.)

positive who gave the first blow; this prisoner sat at the right of Mr. Vincent, and next to him, (pointing to De Lorenzo).

The prisoner (De Lorenzo) here manifested great emotion—weeping and wringing his hands, and exclaiming in broken English that this man would say something for him (pointing to an efficer.) The Coroner said he would not suffer this intimidation of the witness. The other prisoner told Lorenzo not to say anything.

Witness continued—The man with the negro blood sat next to De Lorenzo; the man on the left of Mr. Vincent also attacked him; they were conversing up to the very moment, and Mr. Vincent was sitting at the time; I sat about a yard from the table, and two yards from where Mr. Vincent was sitting at the time.

Mr. Finelli, an interpreter, here, by permission of the Coroner, explained to the prisoner Lorenzi that he was not now under trial, and that when the trial took place he would have an opportunity to be represented.

**Reframa Gardner was sworn and testified as follows:—I am a shoemaker, at No. 19 North William street; I have never been in Mr. Vincent's store; I heard of the murder about a quarter to ten o'clock on the same night it was committed; I was in my house, at work; I heard the rap of the private watchman; I then went out to the place of the deceased Jying in a pool of blood; there were two other persons in the room; about ten minutes before the murder occurred I ceased working, and went along William street, and say two persons standing before the brewery of Mesers. Louis & Willhelm: I then went about two or three minutes; I saw no one near the

ling before the brewery of Mesers. Louis & Will-helm; I then went back to my house, having been absent about two or three minutes; I saw no one near the door of Mr. Vincent's store; I did not hear any noise; I believe I would know the two men if I saw them again; I had never seen them before; I do not recognize any one in the room as either of the men and is them and it had no whiskers and is the men were baid headed; one had no whiskers but an imperial; the other was very decently dressed, about five feet seven or eight inches in height, dressed in black coat and pants, and no whiskers at all; generally the store was open until 90 victoek, and after that the shutters were up and the door was closed, and I saw no one in the street except these two men; everything appeared dark; I have not heard any names of the probable murderers mentioned; the men stood two or three yards from the house of Mr. Vincent.

Mr. Isaac Ramus was brought in by young Connery, but said he knew nothing about the murder. How the like hew nothing about the murder in North William street, but was very anxious that the man who shot a man in Canal street should be caught and hung, and he would like to be one of a committee to hang him. He thought all persons who carried arms to shoot people down ought to be hung. The Coroner was very particular in taking his testimony, and after cansing him to sign the deposition allowed him to depart.

John ley was brought in by an officer, suspected of being one of the parties engaged in the murder. Mr. Hilton said, after a close inspection, that the prisoner was not one of the men, as also did Ceragolio, the boy, who said he knew him slightly.

EVIDENCE OF CATHARDE EXEMA.

Catharine Keenan was called to show that she was in company with Mr. Vincent at noon on the day of the murder. Syllosty of the murder. William she was in company with Mr. Vincent as noon on the day of the murder, from elover to half-past one; knew him for eighteen months, and nover knew him to speak against his father. EVIDENCE OF FORTH

property being greater than \$3,000, the amount of bail required.

It being settled that if the last prisoner was not identified the former should be liberated, the case was adjourned to Monday.

There was some discussion as to the propriety of keeping the younger prisoner. White. Mr. Spencer, his counsel, stated that as soon as the prisoners had an opportunity they would show conclusively where they were at the time of the mirder. The jury favored the release of White, but officer Seaman said that several friends of the prisoner had left the city. Mr. Spencer objected to the statement, and remarked that that had been already proved. It was decided that the prisoners White and Lerenzo should be kept in prison until Monday, to which time [CONTINUED ON EIGHTH PAGE:]